IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5455 OF 2006

Pandurang Dhondu Shinde .. Petitioner

V/s

State of Maharashtra & Anr. .. Respondents

WITH

WRIT PETITION NO. 5456 OF 2006

Bunnisha Karam Hussain Shaikh .. Petitioner

V/s

State of Maharashtra & Anr. .. Respondents

Mr.B.G. Tangsali for the Petitioners.

Mr.C.R. Sonawane, A.G.P. for Respondents No.1 and 2.

CORAM : H.L. GOKHALE & J.P. DEVADHAR, JJ.

DATE : 22ND AUGUST 2006

P.C. :

1. Heard Mr.Tangsali in support of both these petitions. Mr.Sonawane, A.G.P. appears for the Respondents.

2. Both these petitions are filed to seek the release of a tempo and a truck respectively which have

been seized by the R.T.O. They are seized for the reason that they are more than 8 years old and such vehicles are not permitted to ply in the area of city of Mumbai. The first petition is concerning the tempo bearing No.MH-06-G-2806, whereas the second petition is concerning the truck bearing No.MH-04-F-5958.

3. Mr.Tangsali states that the vehicles had entered into the Mumbai city area due to inadvertence and the Petitioners want to take them outside Mumbai area. Mr.Sonawane, learned A.G.P. points out that in similar matters, the parties had been directed to deposit certain amounts ranging from Rs.10,000/- to Rs.20,000/- in view of the violation of the rules in that behalf. Mr.Tangsali is agreeable to make the necessary payments.

4. In the facts of the present case, there is no use in keeping the vehicle under seizure. We therefore allow this petition on the following terms:-

(a) The Petitioners will file an undertaking with the R.T.O. that the vehicles will be moved outside the Greater Mumbai area within one week from the date the amount is deposited with the R.T.O.

(b) Before removing the vehicles, Rs.10,000/- will

be deposited with the R.T.O. by each of the Petitioners.

5. Both the petitions stand disposed of.

6. R.T.O. will act on a certified copy of this order being produced.

(H.L. GOKHALE, J.)

(J.P. DEVADHAR J.)